

ESTTA Tracking number: **ESTTA596332**Filing date: **04/03/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	ThoughtWorks, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	200 E. Randolph St., 25th Floor Chicago, IL 60601 UNITED STATES		

Attorney information	Colin O'Brien Partridge IP Law P.C. 321 North Clark Street Suite 720 Chicago, IL 60654 UNITED STATES tm@partridgeiplaw.com Phone:3126349503
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Applicant Information

Application No	85800882	Publication date	03/11/2014
Opposition Filing Date	04/03/2014	Opposition Period Ends	04/10/2014
Applicant	Infor Global Solutions (Michigan), Inc. 30600 Telegraph Road Bingham Farms, MI 48025 MI		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Computer software component for use with and sold as a component of enterprise resource planning software, namely, software that allows users to communicate on and about business processes managed by the application, and to post and share information with other users, receive alerts and notifications, review analytics and business key performance indicators pulled from the software, thereby allowing the user to make decisions and execute/take actions based on the information obtained

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring a computer software component for use with and sold as a component of enterprise resource planning software, namely, software that allows users to communicate on and about business processes managed by the application, and to post and share information with other users, receive alerts and notifications, review analytics and business key performance indicators pulled from the software, thereby allowing the user to make decisions and execute/take actions based on the information obtained

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3576778	Application Date	02/08/2007
Registration Date	02/17/2009	Foreign Priority Date	NONE
Word Mark	MINGLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/12/01 First Use In Commerce: 2007/07/31 Computer programs for use in the software build process in the field of computer software development and user manuals and documentation distributed therewith;computer software development tools		

U.S. Application No.	86015082	Application Date	07/19/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MINGLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/12/01 First Use In Commerce: 2007/07/31 computer software for use as a collaborative management tool Class 042. First use: First Use: 2008/01/01 First Use In Commerce: 2008/01/01 Software as a service featuring software for use as a collaborative management tool		

Related Proceedings	ThoughtWorks v. Infor Lawsuit in the Northern District of Illinois Case Number 13-cv-2331
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Attachments	77102460#TMSN.jpeg(bytes) 86015082#TMSN.jpeg(bytes) Thoughtworks v Infor Draft of Notice of Opposition 14-0403 882Application.pdf(16275 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Colin O'Brien/
Name	Colin O'Brien
Date	04/03/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ThoughtWorks, Inc.)	
)	
Opposer,)	Serial No.: 85/800,882
)	
v.)	Published: March 11, 2014
)	
Infor (US), Inc.)	
)	
Applicant)	

NOTICE OF OPPOSITION

ThoughtWorks, Inc. ("ThoughtWorks" or "Opposer"), a Delaware corporation with a mailing address of 200 E. Randolph St., 25th Floor, Chicago, Illinois 60601, believes it will be damaged by registration of the mark shown in App. Ser. No. 85/800,882 and opposes the same.

As grounds of opposition, Opposer alleges:

1. ThoughtWorks, is a Delaware Corporation, located at 200 E. Randolph St., 25th Floor, Chicago, Illinois 60601.
2. Infor (US) Inc. ("Infor" or "Applicant") is a Delaware Corporation, located at 13560 Morris Road, Suite 4100, Alpharetta, Georgia 30004.
3. ThoughtWorks owns a federal trademark registration for MINGLE (Reg. No. 3,576,778, Registered 02/17/09) for "computer programs for use in the software build process in the field of computer software development and user manuals and documentation distributed therewith; computer software development tools."
4. ThoughtWorks has a federal trademark application for MINGLE (Ser. No. 86/015,082) for "computer software for use as a collaborative

management tool; software as a service featuring software for use as a collaborative management tool” in Classes 9 and 42.

5. On December 12, 2012, Infor’s, predecessor in interest filed an Intent-to-Use application for the mark INFOR MING.LE. The current listing of goods and services for this application is: “computer software component for use with and sold as a component of enterprise resource planning software, namely, software that allows users to communicate on and about business processes managed by the application, and to post and share information with other users, receive alerts and notifications, review analytics and business key performance indicators pulled from the software, thereby allowing the user to make decisions and execute/take actions based on the information obtained; software as a service (SAAS) services featuring a computer software component for use with and sold as a component of enterprise resource planning software, namely, software that allows users to communicate on and about business processes managed by the application, and to post and share information with other users, receive alerts and notifications, review analytics and business key performance indicators pulled from the software, thereby allowing the user to make decisions and execute/take actions based on the information obtained” in Classes 9 and 42.
6. Since 2007, long prior to December 12, 2012, the date on which Infor filed the application opposed herein, Opposer has used the MINGLE mark in connection with, “computer programs for use in the software build process

in the field of computer software development and user manuals and documentation distributed therewith; computer software development tools; computer software for use as a collaborative management tool.”

7. Since 2008 long prior to December 12, 2012, the date on which Infor filed the application opposed herein, Opposer has used the MINGLE mark in connection with, “software as a service featuring software for use as a collaborative management tool.”
8. Opposer’s use of the MINGLE mark has been valid and continuous since July 31, 2007. As a result of the substantial time and effort invested in developing a positive reputation for Opposer’s mark, Opposer has developed invaluable goodwill in the MINGLE Mark.
9. Applicant’s goods and services and Opposer’s goods and services are similar and related.
10. Applicant's application to register the INFOR MING.LE Mark is without ThoughtWorks’ consent.
11. Applicant's proposed use of the INFOR MING.LE Mark in connection with the applied-for goods and services is likely to cause confusion, mistake or deception with ThoughtWorks’ MINGLE mark.
12. Applicant’s application for INFOR MING.LE is currently blocking Opposer’s application for MINGLE (Ser. No. 86/015,082).
13. ThoughtWorks and Infor are currently engaged in litigation in the United States District Court for the Northern District of Illinois regarding Infor’s use of INFOR MING.LE.

14. Applicant's registration of the INFOR MING.LE Mark would damage
ThoughtWorks.

WHEREFORE, ThoughtWorks prays that its Opposition be sustained and registration of
Application Serial No. 85/800,882, be refused.

Opposer submits the requisite filing fee of \$600. Please address all correspondence to
Colin O'Brien, Partridge IP Law, P.C., 321 North Clark Street, Suite 720, Chicago,
Illinois 60654.

PARTRIDGE IP LAW, P.C.

Dated: April 3, 2014

By: s/Colin T.J. O'Brien

Mark V. B. Partridge
Colin T.J. O'Brien
321 North Clark, Suite 720
Chicago, Illinois 60654
(312) 634-9500

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition has been served on the following by mailing said copy on April 3, 2014 via overnight delivery, postage prepaid, to Applicant at its correspondence address of record:

Zachary A. Aria
Blank Rome LLP
1 Logan Square Floor 8
Philadelphia, PA 19103-6998

By: _____/Colin O'Brien/

Colin T.J. O'Brien
Attorney for Opposer